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REMARKS

Entry of the foregoing and reexamination and reconsideration of the subject application, as amended, pursuant to and consistent with 37 C.F.R. § 1.112, are respectfully requested in light of the remarks which follow.

This amendment is in supplement to the Amendment filed February 27, 2004.

In order to simplify the prosecution of this application and to expedite issuance of a patent, applicant has decided to pursue only a portion of the previously claimed subject matter in the present application. Applicant of course reserves the right to file a divisional or other continuing application on the canceled subject matter.

As of the Amendment filed February 27, 2004, Claims 1-3, 5, 6, 10-31 and 35-51 were in this application. That Reply and Amendment needs to be entered and considered prior to consideration of the present Supplemental Amendment and Remarks, and the deficiencies in the initialed 1449 noted on page 9 of that response and the need for acknowledgment of applicant's claim for benefit of this provisional application noted on page 10 of that response need to be addressed by the Examiner. Moreover, there is the issue that a large number of claims added at the time of the earlier August 15, 2003 response were completely ignored in the November 4, 2003 Official Action.

Upon entry of the present amendment, applicant's claims stand as follows:

Claims 6, 12-26, 31 and 37-51 are now in this application. Claims 1-5, 7-11, 27-30 and 32-36 have been canceled, without prejudice or disclaimer. Claims 6 and 31 have been amended to be independent claims, and the remaining claims now depend, directly or indirectly, from Claim 6 or Claim 31.

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The only record rejection in the November 4, 2003 Office Action is a 35 U.S.C. § 112, first paragraph, rejection based on the claim language "but not having macular edema" as purportedly being new matter. For reasons set forth in the February 27, 2004 Reply and Amendment, applicant did not consider that rejection justified. Nevertheless, in an effort to simply and expedite prosecution, the claims as amended above neither contain the rejected language nor depend from the claims containing the rejected language. Thus, all of the claims are now free of the only record rejection in the Official Action of November 4, 2003. Moreover, as pointed out in applicant's previous response, the clinical study detailed in the specification clearly shows that, of the diabetics who at the start of the study did not yet have diabetic retinopathy, none of those treated with a carbonic anhydrase inhibitor developed diabetic retinopathy during the two year study period. In contrast, in the group which was not treated with a carbonic anhydrase inhibitor, there was more progression of retinopathy. Further, there is positively no teaching or suggestion in the art of record which would lead one of ordinary skill to treat a diabetic not suffering from diabetic retinopathy with a carbonic anhydrase inhibitor in order to slow the development of diabetic retinopathy.

In view of the foregoing, it is submitted that all of the claims are in allowable form. Further, favorable action in the form of a Notice of Allowance is believed to be next in order and is earnestly solicited.

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If there are any remaining issues, the Examiner is urged to telephone the undersigned at the number given below so that such issues can be promptly addressed.

Respectfully submitted,

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Date: August 4, 2004

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I hereby certify that this correspondence is being submitted by facsimile transmission to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, to the following facsimile number:

Facsimile Number: 703-872-9306 Date of Transmission: August 4, 2004

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